

**CRIMINAL JUSTICE SERVICES BOARD
COMMITTEE ON TRAINING**

MINUTES

September 13, 2007

A meeting of the Criminal Justice Services Board Committee on Training (COT) convened at 9:00 a.m. on Thursday, September 13, 2007, in House Room D of the General Assembly Building, in Richmond, Virginia.

Members Present:

Sheriff Beth Arthur
Mr. Robert L. Bushnell
Sergeant Charles J. Condon
Mr. Gerald P. Eggleston (*Proxy for Gene Johnson, Director, Department of Corrections*)
Chief James R. Lavinder
Mr. Edward M. Macon (*Proxy for The Honorable Karl R. Hade, Executive Secretary, Supreme Court of Virginia*)
Dr. Jay W. Malcan
Sheriff Charles W. Phelps, Chair
Captain Lenmuel S. Terry (*Proxy for Colonel Steve Flagherty, Superintendent, Virginia State Police*)
Mr. Sherman C. Vaughn
Mr. Christopher R. Webb

Members Not Present:

Mr. Alfred T. Dowe, Jr.
Mr. Kevin S. Hodges
Chief Alfred Jacocks, Vice Chair

DCJS Staff Present:

Leon D. Baker
Ron E. Bessent
George B. Gotschalk
Kim Frieberger

Sharon Gray
Eunice Kendell
Judith Kirkendall
Loretta Lynch

Lisa McGee
Thomas E. Nowlin
Roslyn Trent

Others Present:

Marty Alford, *New River Criminal Justice Training Academy*
John Cliborne, *Crater Criminal Justice Academy*
Erin Creach, *Virginia Beach Sheriff's Office Training Academy*
Allen Davidson, *Hanover County Sheriff's Office*
Vince Ferrara, *Hampton Roads Criminal Justice Training Academy*
George Haudricourt, *ADT*
Donald Hunter, *Crater Criminal Justice Academy*
Fred Miller, *Prince William County Criminal Justice Academy*
John Munley, *Virginia Beach Sheriff's Office*
Albert Oglesby, *Northern Virginia Criminal Justice Training Academy*
Ronald Staton, *Central Virginia Criminal Justice Academy*
Michael J. Trice, *Hanover County Sheriff's Office*
Grant Warren, *Virginia Commonwealth University Police Department*

Call To Order:

Sheriff Phelps called the meeting to order. He acknowledged that the General Assembly had passed legislature that an additional position be added to the membership of the Committee on Training (COT) representing the Fraternal Order of Police, effective July 1, 2007. He noted that Sergeant Charles J. Condon of the Virginia Beach Police Department would be sitting in that position as the newest member of the COT.

The roll was called with eight (8) members present, which indicated a quorum. (*Sheriff Arthur, Mr. Condon, and Mr. Vaughn arrived later.*) The Chairman asked if there were any other questions or comments regarding the minutes of the last meeting. Hearing none, he asked for a motion to approve the minutes. Captain Terry made a motion to approve the minutes; Mr. Bushnell seconded, and the minutes were approved unanimously.

Public Hearing on the Rules Relating to Instructor Certification Standards

Sheriff Phelps officially opened the public hearing on the Rules Relating to Instructor Certification Standards and reviewed the procedure that would be followed during the process. He noted that a public hearing on these rules was held at the March 8, 2007 meeting of the COT.

He advised that George Gotschalk, Chief, DCJS Standards & Training, would explain this further. Mr. Gotschalk explained that prior to the March 2007 meeting of the Committee on Training, the Standards & Training Section had done all that was necessary to meet the requirements of the Governor's Executive Order, the law, and the public participation guidelines. However, when staff submitted the Rules Relating to Instructor Certification Standards that had been approved at the March 2007 meeting, staff was informed that they had not met the notification requirement for the Town Hall.

Mr. Gotschalk could not explain why the Town Hall had not received the Department's notification. Yet, he noted that the Department was receiving new computers, and during that time period staff had experienced problems with in-coming and out-going electronic mail. Therefore, the last notice did not get published. He advised that the changes adopted by the COT and the CJSB on March 8, 2007 had been made to the rules relating to instructor certification standards. Mr. Gotschalk reminded the members that comments were made during the March 8, 2007 meeting, and changes were made page-by-page based upon those comments. He then asked the chairman to defer to the public hearing stage and address any issues raised by members of the public present at the meeting.

Chairman Phelps asked if there were any questions. Hearing none, he asked if there were any individuals who had pre-filed with the Department or signed the sign-up sheet located at the entrance of the room to speak during the hearing. No one had pre-filed or had signed up to address the Committee regarding the rules. Mr. Webb made a motion to adopt the Rules Relating to Instructor Certification Standards as had already been presented, Dr. Malcan seconded, and the rules were approved unanimously.

Old Business:

Law Enforcement Curriculum Review Committee Report

Sheriff Phelps asked Judy Kirkendall, DCJS Standards & Training Section, to give a brief report on the data collection that is currently being done related to firearms use. Ms. Kirkendall advised that Sergeant Scott Naff, Virginia Department of Game and Inland Fisheries, had written a letter to the Department inquiring about the firearms requirement and requesting the removal of the use of shotguns. Ms. Kirkendall noted that this request was reviewed by the Law Enforcement Curriculum Review Committee (CRC) in July 2007. In the committee's discussion it was recognized that in order to change the firearms requirement, the committee would have to make the decision based on up-to-date information regarding the use of firearms by criminal justice agencies.

As per the request of the committee, Ms. Kirkendall sent out a survey of criminal justice agencies regarding the types of firearms they use. Ms. Kirkendall mentioned that as of Monday, September 10, 2007, they had received the following:

- With seventy-eight (78) agencies responding, all are trained in the use of semi-automatic weapons;

- Twelve (12) of the agencies use revolvers;
- Sixty-two (62) use patrol rifles, and
- Seventy-two (72) agencies require training in the use of shotguns.

Ms. Kirkendall advised that it appears unlikely that a recommendation for changes to the firearms requirements will be made, however, the deadline for receipt of responses from the survey is September 21, 2007. She noted that the full report of the CRC will be presented at next meeting of the COT in December.

The Chairman asked if there were any questions or comments regarding the Law Enforcement CRC. Hearing none, he proceeded to the next item on the agenda.

New Business:

Alzheimer's Training Program Update

Sheriff Phelps introduced Ron Bessent, Assistant Section Chief, DCJS Standards & Training Section, to update the Committee on the Alzheimer's Training Program. Mr. Bessent reminded the members that in 1998, regulation was passed to train law enforcement in Alzheimers Disease. Since the program has conducted trainings within the state of Virginia, as well as other states. He noted that the intent of the legislation was to train all officers, not just entry-level. The training was not mandated for in-service but had the understanding that all in-coming officers receive training. The program was expanded to include jailors, deputies, and all first responders. Mr. Bessent advised that information was given to the commonwealth's attorneys, magistrates, and clerks of court. He noted that all officers are now receiving training. However, the emphasis is on training the incumbent.

Mr. Bessent noted that Alzheimer's training is usually done in the spring and fall of the calendar year. He offered the following breakdown of the sessions held during Spring 2007:

- **DCJS Train-the-Trainer Sessions:**

- March 13 - 14, 2007 – Chesterfield County Police Academy	21
- April 10 – 11, 2007 – Central Shenandoah CJA	20
- May 21 – 22, 2007 – Virginia Beach Training Academy	45
- June 5 – 6, 2007, South Carolina Criminal Justice Academy	60
<u>Total Trained</u>	<u>146</u>
- **DCJS One-Day Courses:**

- April 7, 2007 – Kilmarnock	22
- August 1, 2007, Virginia Marine Police, Newport News	52
- August 8, 2007, Virginia Marine Police, Eastern Shore	24
<u>Total Trained</u>	<u>98</u>

• Academy Training Sessions:	
- Henrico Police Training Academy	111
- Hampton Roads Regional Criminal Justice Academy	20
- FBI, Quantico	125
- Portsmouth Sheriff's Academy	57
- Richmond Police Academy	20
- Virginia State Police Academy	30
<u>Total Trained</u>	<u>383</u>
• All Training To-Date:	
- DCJS Training	244
- Academy Training	383
<u>Total Trained</u>	<u>627</u>

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Mr. Bessent advised that the program is anticipating an aggressive training schedule for Fall 2007. Some of these sessions include:

- **October 10 - 11** - Northern Virginia Training Academy, Ashburn
- **October 30 - 31** - Roanoke Training Academy
- **November 7 - 8** - EMS Symposium, Norfolk
- **November 9** - EMS Symposium Expert Panel, Norfolk
- **November 13 - 14** - Richmond City Training Academy, and
- **December 4 - 5** - Allegheny County Training, Covington

Mr. Bessent noted that training is on-going for new recruits and updates via in-service. He mentioned that he hopes the GA would not request that the training sessions are mandated by observing DCJS performance. Search and Rescue training is four (4) hours, and officers get to practice some of the information they have just received. He acknowledged that there is continued interest from other states, and Virginia is now regarded as the leadership organization in the training of Alzheimer's.

Sheriff Phelps asked for questions. Hearing none, he proceeded to the next item.

Criminal Justice Plan

Chairman Phelps mentioned that during the past week the Department has held several meetings with criminal justice administrators throughout various regions of the state. These meetings were to discuss recommendations on developing a plan to enhance the criminal justice system within the Commonwealth of Virginia. He asked Mr. Gotschalk to give a summary of this plan and information regarding these meetings.

Mr. Gotschalk advised that the Code of Virginia directs the Department to develop a comprehensive criminal justice plan, and over the years this has been done in a number of ways

over the years. He noted that the current plan is not a DCJS plan, but a criminal justice community plan derived from criminal justice practitioners. He mentioned that during the previous week he had the opportunity to participate in the focus groups of the criminal justice plan, which included chiefs, sheriffs, commonwealth's attorneys, sheriffs, educators, court clerks and after-care workers – individuals who work with prisoners post incarceration.

Mr. Gotschalk acknowledged that this was the first time he has witnessed this variety of individuals participating in this type of forum. The attendees were divided into smaller groups with each group providing a mixture of individuals from their various disciplines. He observed that it appears that everyone was encountering the same problems involving criminal justice.

Mr. Gotschalk encouraged the members of the Committee to participate in these sessions if they receive an invitation and also urged them to promote the plan. He noted that Mr. Christopher Webb would be facilitating one of the focus groups in a couple of weeks. Several meetings have been conducted or are scheduled at the following locations:

- Central Shenandoah Criminal Justice Training Academy, Weyers Cave, VA,
- Southwest Law Enforcement Academy, Bristol,
- Cardinal Criminal Justice Academy, Salem,
- Prince William Criminal Justice Academy,
- Dabney Lancaster Community College in Warsaw, VA, to include the criminal justice practitioners in Northern Neck and the Eastern Shore,
- Danville, and
- Richmond.

Mr. Gotschalk advised that people have been invited to participate in sessions hosted in their geographic regions. He noted that there were eighteen (18) individuals who had signed up to participate in the session conducted in Salem, yet there were twenty-two (22) participants. He emphasized that this is the first opportunity for the criminal justice system to have input from all aspects of the system directly. He mentioned that the results may have implications on training, yet all would have to wait for the Director's summary of plans.

Mr. Gotschalk asked if there were any questions. Dr. Malcan advised that he would be a facilitator at the next session to be held in Richmond on September 20, 2007. He congratulated staff for the sessions and believes that this is a good effort. Mr. Bushnell asked if there was anything they could do to make things better. Mr. Gotschalk responded that the Department determined which individuals of the various disciplines to invite to the sessions to ensure a geographic mixture. He advised that in his session there were three chiefs of police and sheriffs among the participants. He noted that the level of participation was such that the groups worked through lunch to keep the process moving. He anticipates that the results of the sessions would be quite successful.

Chief Lavinder mentioned that Mr. Gotschalk had made a fair assessment of the sessions and all of the participants were eager to provide input. Mr. Gotschalk added that the participants had been divided into four (4) groups, and at the end of the session, the participants stood together and chatted and did not appear to want to leave the meeting. He noted that he hopes this dialogue will continue in the future.

Mr. Baker asked Mr. Gotschalk if he could enlighten the Committee about some of the subcommittee meetings staff has had with Sheriff Phelps and others regarding academy re-certification. Mr. Gotschalk responded that Mr. Baker; Colette Brown, Criminal Analyst, DCJS Standards and Training; Mr. Bushnell; Chief Lavinder; Sheriff Phelps; Mr. Phelps and he met to discuss the academy re-certification standards. He noted that the next meeting would include Ron Staton, Director, of the Central Virginia Criminal Justice Training Academy. He added that they will be taking a look at the International Association of Directors of Law Enforcement Standards and Training (IADLEST), which is also looking at models of understanding on a nationwide basis. (Mr. Gotschalk is also the President of IADLEST.) He mentioned that Ms. Brown has been busy with the automated training records system (ACETRAK, T-REX) in addition to assisting with the new independent academy being established in Roanoke. He noted that there would be further discussions and more information will be brought before the COT with the training directors' input.

Mr. Gotschalk mentioned that he would like to compliment Lex Eckenrode, a former DCJS Chief Deputy Director and current Executive Director of the Virginia Police Chiefs Foundation (VCPF). He informed the Committee that presently there is a focus on leadership development in the United States for law enforcement. A consortium met in South Carolina in 2006. Mike Crews, Director, Florida Department of Law Enforcement (FDLE) is leading the consortium and has received interest on this item from other states and had a recent meeting with representation from Germany, Australia, and Nepal. He noted that the Department of Justice Bureau of Justice Assistance (BJA) has also expressed an interest in developing leadership courses in the United States. He mentioned that he had just received an email from Peggy Shaefer, North Carolina Criminal Justice Training, inquiring about the leadership programs. Mr. Gotschalk mentioned that he is referring individuals to Mr. Eckenrode as his courses include the Freedom of Information Act (FOIA), budget issues, and the like.

Mr. Gotschalk noted that the meeting with BJA is being held in Colorado, to which he is invited. However, he has deferred to Mr. Crews. He advised that IADLEST held their annual conference in Virginia Beach this past June with representation from across the country. Sheriff Paul Lanteigne, Virginia Beach Sheriff's Office, and Chief Jacocks, Virginia Beach Police Department, gave opening remarks. Carl R. Peed, Director, Community Oriented Policing Services (COPS), also participated. Mr. Gotschalk mentioned that the National Highway Traffic Safety Administration (NHTSA) has given a grant to IADLEST to promote the wearing of helmets for operators of motorcycles in addition to another grant to study older drivers. He advised that there other interests in developing policies in areas of pursuits for law enforcement. Mr. Gotschalk noted that the NHTSA is also expressing interest in this, and Virginia has been progressive in all of these areas.

Chairman Phelps asked if there were any other comments. Mr. Gotschalk informed that HR 218, Law Enforcement Officer Safety Act (LEOSA) is also being reviewed by Congress in the interest of making changes. He noted that he is most concerned about the retired individuals who carry firearms and do not have the authority or protection as when they were employed by a criminal justice entity. He advised that Mr. Crews had mentioned one case where a retired law enforcement officer had tried to assist law enforcement but did not have the protection. He was

ultimately sued, and his legal costs for his defense bankrupted him. He noted that the International Association of Chiefs of Police (IACP) and the National Sheriff's Association (NSA) had originally opposed HR 218.

Public Comment

Sheriff Phelps asked if there were any other questions or comments. Hearing none, he asked if there was anyone in the audience that would like to address the Committee concerning matters within its purview. Mr. Bessent noted that the Department now has a signed and recorded deed to the (driver training) property at Fort Pickett.

Next Meeting

Hearing no other concerns from the audience, Sheriff Phelps noted that the next meeting of the Committee on Training is scheduled for December 13, 2007.

Adjournment

A motion was made by Mr. Vaughan to adjourn the meeting. The motion was seconded by Sheriff Arthur, was carried unanimously, and the meeting was adjourned at 9:44 a.m.

Respectfully submitted,

Thomas E. Nowlin
Recording Secretary

Approved:

The Honorable Charles W. Phelps
Chair

Date

Attachment(s)